

## **Annex 2**

### **Complaint procedure referred to in Article 69 (7) of the CPR for the INTERREG VI-A Poland-Denmark-Germany-Lithuania-Sweden (South Baltic) 2021-2027 Programme**

#### **Article 1**

1. The complaint can be lodged against the assessment and selection process of the project due to the failure or mistake. It means that the project assessment did not comply with the assessment criteria and/or the procedures laid down in the Programme Manual and the Application Pack.
2. The complaint can be lodged only by the Lead Applicant of the project that has not been selected by the Monitoring Committee. Potential complaints from partners have to be passed through the Lead Applicant. The Lead Applicant is the legal representative of the project partnership according to the lead partner principle.

#### **Article 2**

1. The signed complaint in a form of a scan document or an electronically signed document shall be submitted by the Lead Applicant via e-mail to the Joint Secretariat within 14 calendar days. The deadline is counted from the day following the date of receipt of the notification on the Monitoring Committee decision.
2. The complaint shall include the following information:
  - a. first name, last name of the legally authorised person representing the Lead Applicant and the address of the Lead Applicant;
  - b. number of the Application Form, the complaint refers to;
  - c. clearly justified reasons of the complaint: failures or mistakes that happened during the assessment of the project and references to the Programme Manual and the Application Pack.
  - d. signature of the Lead Applicant or of a person authorized to lodge a complaint.
3. The complaint is filled in English language on the template provided by the Programme.
4. The Joint Secretariat informs the Lead Applicant via e-mail on the receipt of the complaint.

#### **Article 3**

1. The Joint Secretariat verifies if the complaint meets the requirements indicated in Article 2 within 4 working days after the day of the receipt of the complaint.
2. The complaint received by the Joint Secretariat after the deadline indicated in Article 2(1) is left unexamined, which is notified to the Lead Applicant via e-mail in 2 working days.
3. If the complaint does not meet the requirements referred to in Article 2(2) or/and (3) it is sent back via e-mail from the Joint Secretariat to the Lead Applicant who is asked to eliminate the shortcomings within 7 calendar days. If the Lead Applicant does not eliminate the shortcomings the complaint is left unexamined.
4. The complaint submitted within the deadline referred to in Article 2(1) and meeting the requirements referred to in Article 1 and Article 2(2) and (3) is examined by the Joint Secretariat and the Managing Authority. If the complaint is against the assessment of the partner's eligibility, the Joint Secretariat and the Managing Authority are supported in the examination of the complaint by the respective Member State and/or Contact Point. If it is necessary the Managing Authority may ask the chairperson of the Monitoring Committee for support in examining the complaint.

5. The examination is based on:

- a. information provided by the Lead Applicant,
- b. Application Form with the attachments,
- c. documents related to the assessment of the project, including checklists filled in during the verification,
- d. decision of the Monitoring Committee on the project selection and the minutes of the Monitoring Committee meeting or of the written procedure of the Monitoring Committee (if applicable),
- e. other supporting documents relevant to the complaint.

6. The Joint Secretariat informs the chairperson of the Monitoring Committee about the receipt of all the complaints, including those left unexamined.

#### **Article 4**

1. The examination of the complaint will only base on the information and documents listed in Article 3 (5).

2. New documents presented by the Lead Applicant along with the complaint, that have not been submitted for the project assessment, are left unexamined with an exception to the examination of the complaints against the partner's eligibility.

#### **Article 5**

1. The deadline for the examination of the complaint is 10 working days after the day on which the Joint Secretariat received the complaint. In case of a larger number of complaints to be examined, this deadline may be prolonged to a maximum of 20 working days. In such case, the Joint Secretariat will inform the Lead Applicant about the planned date of the examination of the complaint.

2. The deadline referred to in point 1 may be suspended if the Lead Applicant is asked by the Joint Secretariat to supplement the complaint or the information from the Member State/Contact Point/the chairperson of the Monitoring Committee is necessary during the examination of the complaint. The Lead Applicant is informed by the Joint Secretariat on the suspension of the deadline within 2 working days.

3. The results of the complaint examination carried out by the Joint Secretariat and the Managing Authority are forwarded along with the justification to the chairperson of the Monitoring Committee.

4. The complaint considered to be justified requires a decision of the Monitoring Committee. The procedures of the Monitoring Committee shall apply accordingly.

5. The complaint considered as not justified does not require a decision of the Monitoring Committee. The previously issued decision of the Monitoring Committee remains in force.

6. The Joint Secretariat informs the Lead Applicant in writing about the results of the examination of the complaint carried out by the Joint Secretariat and the Managing Authority and about the decision of the Monitoring Committee within 2 working days after this decision.

7. The outcome of the complaint examination carried out by the Joint Secretariat and the Managing Authority and the decision of the Monitoring Committee are final and binding to all parties and shall not a subject of any further complaint proceedings on the Programme level.

8. The complaint procedure is without prejudice to any mechanism or process for legal redress at national level, in particular with regard to unsuccessful applicants.